

### **REMARKS**

Applicant notes with appreciation the withdrawal of the prior art rejections previously articulated in Paper No. 20071022. By way of this amendment, claims 1 and 10, the only two pending independent claims, have been amended consistent with the suggestions and support found for these amendments as articulated in Paper No. 20080618, section 2, paragraph spanning pages 2-3; section 5, page 3; and section 6, page 3. As such, Applicant submits that the outstanding rejections under 35 U.S.C. §112, first and second paragraphs, have been overcome.

Claims 1-13 currently stand rejected under 35 U.S.C. §112, first paragraph and second paragraph. Reconsideration and withdrawal of these rejections is requested based on the above amendments and the following remarks.

#### **Remarks Directed to the Rejection of Claims 1-13 under 35 U.S.C. §112, First Paragraph**

The basis of the rejection is that the specification is considered silent with respect to the display displaying an indication of the neurological injuries having a secondary injury associated with the neurotrauma through the use of a nerve conductivity test.

In addition to the specification text earlier indicated as being found at page 9, line 29 – page 10, line 2 (the previous Office Action incorrectly noted page 30), additional support is found in the specification at page 7, lines 25-26. Further, Applicant submits that it is a well-established tenet of patent law that that which is conventional to the art need not and indeed preferably is not detailed in the patent application specification. In this regard, the association of a secondary injury with neurotrauma is well known to one of skill in the art with reference to these above cited sections of the specification as well as page 2, lines 13-15; page 3, lines 14-17; page 7, line 29 – page 8, line 7; among others. As such, it is respectfully submitted that one of

ordinary skill in the art would appreciate that neurotrauma always has a subject response component that results in a secondary injury further compounding the initial neurotrauma. As such, one of ordinary skill in the art would appreciate the same even without resort to the instant specification.

In light of the above amendments and remarks, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph, of the pending claims is requested.

**Remarks Directed to Rejection of Pending  
Claims 1-13 under 35 U.S.C. §112, Second Paragraph**

The pending claims are cited as being incomplete for omitting essential elements. Applicant notes with appreciation the Examiner's recitation as to the omitted elements in independent claims 1 and 10. As Applicant has amended independent claims 1 and 10 consistent with the Examiner's suggestions, this rejection is believed to have been overcome.

In light of the above amendments and remarks, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, as to the pending claims is requested.

**Summary**

With entry of this amendment, claims 1-13 are all believed to be in allowable form and directed to patentable subject matter. Passing of this application to issuance is therefore requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully submitted,

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